

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

TRISTAN LOGAN,)
)
Plaintiff,)
)
v.) Civil Action No.
) 05-10045-GAO
UNITED STATES DEPARTMENT OF LABOR,)
PENSION AND WELFARE BENEFITS)
ADMINISTRATION,)
)
Defendants.)
)

THE DEFENDANT'S MOTION FOR A FINAL EXTENSION OF TIME TO FRIDAY,
JULY 18, 2008 TO FILE ITS MOTION FOR SUMMARY JUDGMENT

The United States Department of Labor, Pension and Welfare Benefits Administration (the "defendant"), herein moves this Court for a Final Extension of Time to Friday, July 18, 2008, to File it's motion for summary judgment. As grounds for this Motion the defendant states as follows:

1. On Friday, April 4, 2008 the defendant was informed that the plaintiff's foster son was killed in a car accident in Florida;
2. The parties jointly moved for an extension of time for discovery and for filing dispositive motions;
3. Counsel for the defendant has not been in touch with the plaintiff since the filing of the previous Joint Motion for an Extension of Time;
4. Upon the Motion for an Extension of Time being Allowed by this Court, Counsel for the defendant mistakenly entered into his diary the deadline for dispositive

motions as August 15, 2008, rather than June 15, 2008;

5. Due to this clerical error, counsel for the defendant is now seeking up to and including Friday, July 18, 2008, to file the defendant's motion for summary judgment.

WHEREFORE, based on a clerical error by counsel for the defendant, the defendant is seeking up to and including Friday, July 18, 2008, to file the defendant's motion for summary judgment.

Respectfully submitted,

UNITED STATES DEPARTMENT
OF LABOR, PENSION AND WELFARE
BENEFITS ADMINISTRATION

By its Attorneys,

MICHAEL J. SULLIVAN
United States Attorney

/s/ Rayford A. Farquhar
Rayford A. Farquhar
Assistant U.S. Attorney
U.S. Attorney's Office
1 Courthouse Way, Suite 9200
(617) 748-3284

Dated: July 14, 2008

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on July 14, 2008.

/s/ Rayford A. Farquhar
Rayford A. Farquhar
Assistant U.S. Attorney

LOCAL RULE 7.1 CERTIFICATION

I, Rayford A. Farquhar, Assistant United States Attorney, do hereby certify that on July 10, July 11, and July 14, 2008, I attempted to contact Tristan Logan by telephone at home and at work but was unable to reach him.

/s/ Rayford A. Farquhar
Rayford A. Farquhar
Assistant U.S. Attorney